

REMARKS

Overview of the Office Action

Claims 8, 9, 13-15, 21, and 26-27 have been objected to for various informalities.

Claims 8-14 and 20-27 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,591,098 (“Shieh”) in view of WO 97/01253 (“MCI”).

Claim 15 has been rejected under 35 U.S.C. §103(a) as unpatentable over Shieh in view of U.S. Patent No. 6,285,869 (“Shannon”).

Claims 16-19 have been rejected under 35 U.S.C. §103(a) as unpatentable over Shieh, Shannon, and MCI.

Status of the claims

Claims 8-22, 25 and 26 have been amended.

Claims 1-7 have been previously canceled.

Claims 8-27 remain pending.

Objection to the claims 8, 9, 13-15, 21, 26 and 27

With respect to claim 8, the Office Action states that “the data processing device” and “the first data processing device” lack antecedent basis. Claim 8 has been amended to provide proper antecedent basis.

With respect to claim 8, the Office Action states that “the first subscriber identifying module” and “the second data processing device” lack antecedent basis. Claim 8 has been amended to provide proper antecedent basis.

With respect to claims 13 and 14, the Office Action states that the preamble is incorrect.

Claims 13 and 14 have been suitably amended.

With respect to claim 13, the Office Action states that “the second device” lacks antecedent basis. Claim 13 has been amended to provide proper antecedent basis.

With respect to claim 15, the Office Action states that the phrase “said network system” should be replaced with the phrase “said remote system” in order to be consistent with claim terminology. Claim 15 has been suitably amended.

With respect to claim 21, the Office Action states that that the claim includes items “d)” and “e)” without including items “a)”, “b)”, and “c)”. Claim 21 has been suitably amended.

With respect to claims 26 and 27, the Office Action states that the step a) and the step b) lack antecedent basis. The amendment to claim 21 described above renders this objection moot.

Applicants submit that these objections have been overcome.

Summary of subject matter disclosed in the specification

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations, which are unclaimed.

The present application discloses a data processing device that includes a microcontroller. The data processing device is configured to communicate with at least one remote system distributed on a network. The data processing device and the remote system are adapted to store a plurality of parameters identifying a user account belonging to a subscriber. The data processing device includes a one-time parameter that includes the active account attached to the device designed for a one-time use, and a permanent parameter that identifies an account attached to the data processing device. The permanent parameter is deactivated. The one-time

and permanent parameters are stored in the remote system, and the microcontroller is programmed to use the one-time parameter to logon to the network when the data processing device is switched on, and to exchange the one-time parameter with the permanent parameter upon successful logon to the network. Further, upon successful logon to the network, the permanent parameter becomes the permanent active account.

Descriptive summary of Shieh

Shieh discloses a system and a method for activating a subscriber identification module (SIM) based mobile device in a PCS/ANSI type wireless network. The method of Shieh includes preprogramming the SIM card of the mobile device with temporary activation identifiers, such as an international mobile station identity (IMSI) and/or a mobile identification number (MIN), and a temporary electronic serial number. The temporary electronic serial number, rather than the mobile device actual electronic serial number, is used to identify the mobile device during registration and activation. The network identifies the temporary electronic serial number associated with the SIM vendor and invokes an over-the-air activation procedure especially for the SIM card mobile devices. A SIM-over-the-air-activation processor is notified to perform the activation for that mobile device on the PCS wireless network. Authentication of the mobile device may be bypassed and the mobile device is instructed to transmit its actual electronic serial number for future registrations. Once the activation process is completed, the temporary activation identifiers are overwritten (see e.g. the Abstract).

Descriptive summary of MCI

MCI discloses a personal servicing communication network that is configured to allow a subscriber to use a replacement SIM card by merely inserting the replacement card into one of a plurality of network communication terminals, with the network automatically disabling the old SIM card and enabling the replacement SIM card for subsequent use. A Home Location Register (HLR) and an Authentication Center (AuC) are preprovisioned by an administrator to correlate an identifier of the replacement SIM card with an identifier of the original SIM card for allowing the subscriber to access the network. Upon first use of the replacement SIM card, the network disables the original identifier in the Home Location Register (HLR) and in the Authentication Center (AuC) so that subsequent access to the network by the subscriber is available solely by use of the replacement SIM card (see Abstract).

Descriptive summary of Shannon

Shannon discloses a method for performing replacement of a subscriber identity module (SIM) in a mobile communications network. In a mobile communications network, each subscriber is allocated a unique identity code and is provided with a SIM card bearing that code which provides subscriber access to the system. A list of identity codes together with corresponding subscriber details are stored in a first store. When a card is to be replaced, a new identity code is created for the subscriber and is stored in the first store and in a second store. A mapping is provided between the new identity code and the corresponding existing subscriber identity code. The new identity code is then associated with the corresponding subscriber details and is activated while the existing code is de-activated (see Abstract).

Rejection of claims 8-14 and 20-27 under 35 USC §103(a)

The Office Action states that the combination of Shieh and MCI teaches all of Applicants' recited elements. Applicants respectfully disagree.

Independent claim 8 recites a subscriber identifying module that includes "a permanent account identifier", and "wherein said one-time and permanent account identifier are prestored in said at least one remote system", which Shieh and MCI, whether taken alone or in combination, fail to teach or suggest.

The Examiner cites col. 3, lines 1-34 and col. 4, lines 29-44 of Shieh as teaching a permanent account identifier. Applicants respectfully disagree.

According to Shieh, the actual ESN is associated with (i.e., originates with) the mobile device 10 and not the SIM card 18 (see col. 4, lines 50-53 of Shieh). In other words, the SIM card 18 does not comprise the actual ESN or permanent account identifier, as recited in Applicants' claim 8.

The Examiner cites col. 3, lines 11-20 and col. 5, lines 36-49 of Shieh as teaching that the one-time account identifier is prestored in the at least one remote system. Applicants respectfully disagree.

According to Shieh, the network identifies the SIM electronic serial number as a temporary ESN associated with the mobile device and a removable card vendor. This identification is preferably accomplished using the home location register (HLR), but may also occur at a Message Center (MC). The HLR or MC will identify the mobile device as a SIM device via the S-ESN and notify the correct vendor SIM.

In other words, Shieh only teaches that the HLR or the MC will identify the SIM via the S-ESN. Nothing in the cited passages of Shieh teach or suggest that the S-ESN is prestored at

the HLR or the MC, as recited in Applicants' claim 8.

Therefore, Shieh also fails to teach or suggest, "wherein said one-time and permanent account identifier are prestored in said at least one remote system", as recited in Applicants' claim 8.

MCI fails to teach the above-described features that Shieh lacks, and thus fails to remedy the above-described deficiencies of Shieh.

Therefore, Shieh and MCI, whether taken alone or in combination, fail to teach or suggest the subject matter recited in Applicants' independent claim 8.

Independent claims 20 and 21 recite limitations similar to claim 8 and are, therefore, deemed to be patentably distinct over Shieh and MCI for at least those reasons discussed above with respect to independent claim 8.

In view of the foregoing, it is clear that Shieh and MCI, whether taken alone or in combination, fail to teach or suggest the subject matter now recited in independent claims 8, 20 and 21. Accordingly, claims 8, 20 and 21 are deemed to be patentable over Shieh and MCI under 35 U.S.C. §103(a).

Claims 9-14 and 22-27, which respectively depend from one of independent claims 8 and 21, incorporate all of the limitations of the corresponding independent claim and are, therefore, deemed to be patentably distinct over Shieh and MCI for at least those reasons discussed above with respect to independent claims 8 and 21.

Rejection of claim 15 under 35 USC §103(a)

The Office Action states that the combination of Shieh and Shannon teaches all of Applicants' recited elements.

Shieh has been discussed above and fails to teach or suggest a remote system storing “a one-time account identifier for a one-time logon of a subscriber identifying module to the network”, which is recited in Applicants’ claim 15.

Shannon fails to teach the above-described feature that Shieh lacks, and thus fails to remedy the above-described deficiency of Shieh.

In view of the foregoing, it is clear that Shieh and Shannon, whether taken alone or in combination, fail to teach or suggest the subject matter now recited in independent claim 15. Accordingly, claim 15 is deemed to be patentable over Shieh and Shannon under 35 U.S.C. §103(a).

Rejection of claims 16-19 under 35 U.S.C. § 103(a)

The Office Action states that the combination of Shieh, Shannon, and MCI teaches all of Applicants’ recited elements.

As previously discussed, Shieh and Shannon fail to teach or suggest the invention recited in Applicants’ independent claim 15.

Because Shieh and Shannon fail to teach or suggest the subject matter recited in independent claim 15, and because MCI fails to teach or suggest any elements of independent claim 15 that Shieh and Shannon are missing, the addition of MCI to the reference combination fails to remedy the above-described deficiencies of Shieh and Shannon.

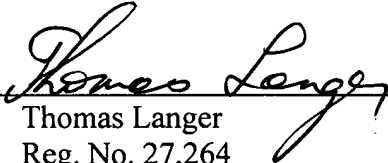
Claims 16-19, which depend from independent claim 15, incorporate all of the limitations of independent claim 15 and are, therefore, deemed to be patentably distinct over Shieh, Shannon, and MCI for at least those reasons discussed above with respect to independent claim 15.

Conclusion

In view of the foregoing, reconsideration, and withdrawal of all rejections, and allowance of all pending claims, are respectfully solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By  _____
Thomas Langer
Reg. No. 27,264
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: May 26, 2009